Message Text

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12
ORIGIN NEA-09

INFO OCT-01 ISO-00 INSE-00 L-02 VO-03 SCA-01 JUSE-00 SY-04

     /020 R

DRAFTED BY NEA/ARN:PKBULLEN:GCB
APPROVED BY NEA/ARN:DAKORN
INS - MR. O'BRIEN (SUBSTANCE)
L/T - MR. MCQUADE (DRAFT)
L/M:CLBLAKESLEY (INFO)
                 --------------------   070436
R 071544Z FEB 75
FM SECSTATE WASHDC
TO AMEMBASSY DAMASCUS

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E.O. 11652: N/A

TAGS:CGEN, PFOR, SY, US

SUBJECT: FUGITIVE SYRIAN MAMDOUH BARBOUR
REF: DAMASCUS 269

1. BARBOUR LEFT UNITED STATES, AT HIS OWN EXPENSE, ON VALID
DOMINICAN REPUBLIC IDENTITY DOCUMENT ISSUED IN HIS OWN NAME
AND VALID FOR TRAVEL TO WESTERN HEMISPHERE COUNTRIES UNTIL
OCT 12, 1975. AT TIME OF HIS DEPARTURE, USG HAD NO RIGHT
TO PREVENT IT SINCE HE STILL HAD APPEAL PENDING WHICH IF
SUCCESSFUL WOULD HAVE ENABLED HIM TO STAY IN USA.

2. YOU MAY WISH POINT OUT TO SARG INTERPOL REP THAT USG
REALLY DID ITS BEST TO BE HELPFUL, WITHIN THE LEGAL CON-
STRAINTS. USG ACTION IN KEEPING BARBOUR IN CUSTODY FOR TWO
AND A HALF YEARS DURING COURT PROCEEDINGS WAS UNPRECEDENTED.
THIS ACTION, WHICH PREVENTED BARBOUR FROM ABSCONDING, IN-
VOLVED FIGHTING BARBOUR'S APPEALS FOR RELEASE FROM CUSTODY
ALL THE WAY TO US SUPREME COURT. AT TIME BARBOUR LEFT USA,
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USG HAD NO BASIS FOR REFUSAL OF HIS REQUEST TO DEPART, AND

COULD NOT DEPORT HIM TO SYRIA IN ABSENCE OF FINAL ORDER IN DEPORTATION PROCEEDINGS. YOU MAY WISH EMPHASIZE THAT ALTERNATIVE TO BARBOUR'S DEPARTURE MIGHT WELL HAVE BEEN HIS PERMANENT RESIDENCE IN US, IN EVENT HE WON APPEALS ON THEN-PENDING DEPORTATION PROCEEDINGS.

3. LEGAL SITUATION RESULTING FROM END OF MANDATE DOES NOT INCLUDE EXTRADITION TREATY PROVIDING FOR RETURN OF FUGITIVES FROM USA TO SYRIA, ALTHOUGH IT CAN BE INTERPRETED AS RESULTING IN UNILATERAL OBLIGATION ON SYRIA TO EXTRADITE FUGITIVES TO USA. FORWARDING EXPLANATION BY AIRGRAM.

4. COMMENTS ON POSSIBILITY OF NEGOTIATION OF US-SYRIAN EXTRADITION TREATY BY SEPTEL. KISSINGER

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NNN

Message Attributes

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Draft Date: 07 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: johnsorg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: PKBULLEN:GCB
Enclosure: n/a
Executive Order: N/A
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Handling Restrictions: n/a
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To: DAMASCUS
Type: TE
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